

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TEDDY LAWRENCE,

Plaintiff,

v.

Case Number 11-12597

Honorable David M. Lawson

Magistrate Judge R. Stephen Whalen

COUNTY OF MACOMB, STATE OF
MICHIGAN, MATTHEW SWITALSKI,
and BETSY MELLOS,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANTS' MOTIONS TO DISMISS OR FOR SUMMARY
JUDGMENT, DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT, AND DISMISSING COMPLAINT**

Teddy Lawrence filed a *pro se* complaint against the defendants alleging various violations of his civil rights, plus war crimes, copyright violations, and Second Amendment deprivations. The Court referred this case to Magistrate Judge R. Stephen Whalen for pretrial management. Thereafter, the defendants filed motions to dismiss or for summary judgment and the plaintiff filed a motion for summary judgment. On July 20, 2012, Judge Whalen filed a report recommending that all the defendants' motions be granted and the plaintiff's motion be denied. He found that the plaintiff's claims were frivolous and barred by several forms of immunity. Judge Whalen also observed that the plaintiff has filed similar actions against one or more of the present defendants, which have been dismissed as frivolous. Judge Whalen, therefore, recommended that the plaintiff be barred from filing any new cases in this Court without prior permission from the Court. The plaintiff filed timely objections and the matter is before the Court for fresh review.

Objections to a report and recommendation are reviewed *de novo*. 28 U.S.C. § 636(b)(1). The Sixth Circuit has stated that “[o]verly general objections do not satisfy the objection

requirement.” *Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006). “The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

The magistrate judge found the complaint in this case to be “long on impassioned rhetoric and short on facts. The plaintiff’s objections do not add much to the discussion, either. The thrust of the objections is that the magistrate judge got it wrong. “[O]bjections disput[ing] the correctness of the magistrate’s recommendation but fail[ing] to specify the findings . . . believed [to be] in error’ are too general.” *Spencer*, 449 F.3d at 725 (quoting *Miller*, 50 F.3d at 380). “[T]he failure to file specific objections to a magistrate’s report constitutes a waiver of those objections.” *Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004).

Having now had the opportunity to review the report and recommendation, the plaintiff’s objections, and the entire record of this matter, the Court has determined that the plaintiff’s objections should be overruled, and, for the reasons stated in the report and recommendation, the defendants’ motions to dismiss should be granted and the plaintiff’s motion for summary judgment should be denied and the case should be dismissed in its entirety. The Court disagrees, however, that the plaintiff should be enjoined from filing other matters. The Court believes that the sanctions available to a party under Federal Rule of Civil Procedure 11(c) and 28 U.S.C. § 1927 for improper filings should serve as an adequate deterrent to frivolous filings by the plaintiff in the future.

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation [dkt. #32] is **ADOPTED**, and the plaintiff’s objections [dkt. #33] are **OVERRULED**.

It is further **ORDERED** that the motions to dismiss by defendants Matthew Switalski [dkt. #25], Betsy Mellos [dkt. #26], County of Macomb [dkt. #27], and the State of Michigan's motion for summary judgment [dkt. #23] are **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #29] is **DENIED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

Dated: August 2, 2012

s/David M. Lawson _____
DAVID M. LAWSON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 2, 2012.

s/Deborah R. Tofil _____
DEBORAH R. TOFIL